

RECLAMATION

Managing Water in the West

Elk Valley Rancheria Water Resource Development Project

Crescent City, California

Finding of No Significant Impact

FONSI 10-14-MP

Recommended by: B2 Buttazoni Date: May 7, 2010

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Finding of No Significant Impact

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the Mid-Pacific Regional Office of the Bureau of Reclamation (Reclamation) finds that providing funds to the Elk Valley Rancheria under the provisions of American Recovery and Reinvestment Act (ARRA) (Public Law [P.L.] 111-5) to drill twelve test wells and make up to six wells operable, is not a major federal action that will significantly affect the quality of the human environment and an environmental impact statement is not required. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Final Environmental Assessment (EA), *Elk Valley Rancheria Water Resource Development Project*, and is hereby incorporated by reference.

Background

Under the *State's Emergency Drought Relief Act of 1991* as amended (P.L. 109-234)], Reclamation is distributing \$40 million from ARRA to fund emergency drought relief projects. In February 2009, while the State of California was in the third consecutive year of a drought, Governor Arnold Schwarzenegger declared a drought emergency. The Elk Valley Rancheria (Tribe) issued an Emergency Drought Declaration in September 2009.

The Tribe is a federally recognized Indian Tribe. The Elk Valley Rancheria (Rancheria) is located in Del Norte County, California. The Proposed Action is for Reclamation to provide ARRA funds to the Tribe for the purposes of establishing wells on Tribal land that would be used for providing water for livestock and irrigation of annual grassland/pasture.

Finding of No Significant Impact Determination

Based on the analysis of the *Elk Valley Rancheria Water Resource Development Project EA*, the Proposed Action will not have a significant effect on the human environment and an environmental impact statement will not be prepared. This finding is based upon the *context* and *intensity* of the project's impacts as described below:

Context:

The Proposed Action is to:

- 1) Provide ARRA funds to the Elk Valley Rancheria for the purposes of drilling twelve test wells, make up to six wells operable, including an existing well. The new wells would be used for livestock and irrigation of annual grassland/pasture. Wells determined to be operable would be fitted with submersible pumps and housing.
- 2) Separately, the Tribe would connect electrical power and water pipelines to each well site. The Tribe could also install four 5,000 gallon water storage tanks. These elements would not be funded by Reclamation under ARRA.

Intensity:

The Council on Environmental Quality uses ten considerations in evaluating *intensity* (40 CFR 1508.27(b)):

- (1) *Impacts that may be both beneficial and adverse.*

No adverse impacts have been identified. There would be minor impacts to water resources, wildlife and vegetation. Most impacts would be short-term during construction of the wells, water storage tanks, pipelines and electrical power. There would be a minor increase in potential for sedimentation. Best management practices would be implemented to reduce potential for erosion. Construction would take place prior to the winter rainy season. The Proposed Action would not disproportionately affect minority or low-income communities. The Proposed Action could temporarily increase employment during construction, and would ensure a water supply to maintain livestock operations and the economic benefits provided the Tribe.

- (2) *The degree to which the proposed action affects public health and safety.*

The Proposed Action would have no impact on public health and safety. During construction, there could be a negligible increase in risk to worker safety during use of heavy equipment during installation of the wells, water storage tanks, pipelines and electrical power. Precautions would be taken to reduce risk to employees. A safety zone around the construction areas would be maintained to avoid risk of injury to the public during construction.

- (3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no parks, wild and scenic rivers, and ecologically critical areas designated in the project area. New well sites, water storage tanks, water pipelines and electrical power would temporarily impact existing livestock and annual grassland/pasture. Disturbed areas (with the exception of the well and storage tank sites) would be returned to their original condition upon completing the project. There would be a permanent loss of .05 acre of annual grassland/pasture. Wetlands located on the Martin Ranch property would be avoided and a 200 foot buffer would be maintained.

- (4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

There are no known sensitive or controversial issues associated with the Proposed Action. The Tribe has been involved in the preparation of this EA.

- (5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

There are no uncertain or unique or unknown risks associated with the Proposed Action.

- (6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration*

The Proposed Action does not set a precedent for future actions with significant effects or represent a decision without future consideration. Any future projects on Tribal lands would be analyzed on their own merits and implemented, or not, independent of the acceptance of this EA.

- (7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

Past, present, and reasonably foreseeable future actions have been considered in the *Cumulative Effects* section of the EA for each resource which could be impacted by the Proposed Action. In 2006, the Bureau of Indian Affairs released the *Final Environmental Impact Statement for the Elk Valley Rancheria Martin Ranch Fee to Trust and Casino Project*. Under the Preferred Alternative, a new casino, hotel, conference center, and parking facility would be developed. If developed, it would represent a significant beneficial impact for the Tribe by boosting employment and income. Construction of the new casino and hotel development would result in a permanent loss of 9.3 acres of annual grassland/pasture. Combined these two projects would result in the permanent loss of 9.35 acres of annual grassland/pasture. This habitat type is considered to be relatively abundant regionally and locally, and is not a sensitive resource considering the high level of disturbance (cattle grazing) and abundance of non-native plants.

The Tribe currently receives all water for drinking, livestock and irrigation of annual grassland/pasture from the City of Crescent City (City) and the Bertsch-Ocean View Community Services District (BOVCDS). The source of the water for the City and BOVCDS is the aquifer underlying the Smith River. The Tribe has identified a need of 85,500 gallons of water per day to meet the needs for the new casino and hotel development, when fully built-out. The City and BOVCDS have determined that their water supply is adequate to meet the needs of the new casino and hotel development. No water from implementation of the Proposed Action would be used for the new casino and hotel development. Due to the current economic downturn in the U.S., this project is on hold. The Proposed Action would result in a negligible increase in the amount of water drawn from the aquifer under Tribal lands. The region has high rainfall amounts and soils which promote rapid re-charge of the aquifer. The cumulative effects analysis has

determined that the project would not contribute significantly to cumulative effects.

- (8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss of destruction of significant scientific, cultural, or historical resources.*

The Proposed Action has the potential to affect cultural resources on the Rancheria. Reclamation determined that no historic properties will be affected by project implementation given that the three identified cultural resources identified within the Area of Potential Effect will be excluded from the construction zone and Reclamation consulted with the Tribal Historic Preservation Officer regarding this determination.

- (9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

The Proposed Action area is not located within designated critical habitat. Based on known observations, habitat suitability, and a records review of the California Natural Diversity Database and Fish and Wildlife Service website, no candidate, threatened or endangered species has been identified within the project area. There would be no effect to special-status species as a result of implementation of the Proposed Action.

- (10) *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

The Proposed Action does not violate any federal, State, or local law or requirement imposed for the protection of the environment.